



## Editorial

**Norman Goldstein MD**  
Editor, Hawaii Medical Journal

### Special Issue on Healthcare Legislation

This is a very special issue. It is not the Hawaii Law Journal, but our legal and legislative associates have been major contributors to these two laws - with the help of HMA's new President-Elect, Phil Hellreich, our legislative committees, Heidi Y. Singh, HMA Director of Legislative and Government Affairs who summarized and extracted the laws, Becky Kendro, Drake Chinen and our HMA staff.

These laws, the Uniform Healthcare Decisions Act, and the Patient Bill of Rights and Responsibilities Act, may well impact on every physician and every patient. As President-Elect Phil suggests, "Keep this edition of the Journal as a reference for future use."

A special "Thank You" to Jim Pietsch, J.D., for his "FAQ" (for those of you not on the Web, That's Frequently Asked Questions) about these important laws. Jim and I spent two years on the Governor's Blue Ribbon Panel on Living and Dying with Dignity, and he's the author of the Elder Law Handbook published by the University of Hawaii Press.

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## Guest Editor

**Philip Hellreich MD**

Every legislative session bills that directly impact the way you practice medicine are debated at the Capitol. HMA devotes considerable time to drafting or amending bills that affect the way we care for patients and run our practices. Passage of the prompt payment bill is direct evidence of the importance of legislative advocacy. We also expend a lot of effort to defeat legislation that is harmful to patient care (e.g.: prescriptive authority for mid-level practitioners). Throughout the legislative session we try to keep you updated on what is occurring at the Capitol through "blast fax" weekly legislative updates, the newsletter and the comprehensive summary of bills sent to members at the end of the session. However, there are certain laws which have a greater impact on our profession and therefore require a more in-depth analysis for your reference. Two such laws are the Uniform Health Care Decisions Act, (signed into law on July 1, 1999), and the Patient Bill of Rights and Responsibilities Act (the original was signed into law in 1998 and a second bill was signed into law on June 25, 1999). This edition of the journal contains detailed summaries of these laws.

The Uniform Health Care Decisions Act repeals current law on Medical Treatment Decisions ("Living Will") and Power of Attorney for Health Care Decisions and combines them into one statute. It also creates a sample, optional advance directive/living will form for individuals to use or modify to their needs. This sample is provided for you to share with your patients.

The two Patient Bill of Rights and Responsibilities laws provide for significant protections for patients enrolled in all health plans. In particular, all health plans in the state must be accredited by a nationally recognized accrediting body. Plans must demonstrate to the insurance commissioner, upon request, that they make benefits available and accessible to each enrollee, provide access to sufficient numbers and types of providers and provide emergency health care services 24 hours a day and 7 days a week. The law also calls for the federal "prudent layperson" standard for emergency services and prohibits gag clauses or practices from being imposed upon physicians for discussing treatment options or services not covered by the plan. Moreover, plans must establish and maintain an internal complaint and appeal procedure. Upon exhausting a plan's internal appeals structure, a patient, or the patient's physician or designee, is allowed to appeal to an external review body set up by the insurance commissioner.

I hope you will take the time to review these laws and to keep this edition of the journal as a reference for future use. It is important that as patient advocates we be knowledgeable about living wills and protections for patients under managed care.